IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1081 of 2005 (M/B)

Rameshwar Sharma,
S/o Sri Munnar Sharma,
R/o Village Nausar, P.O. Nausar,
Tehsil Khatima,
District Udham Singh Nagar and others. …… Petitioners

Versus

1. State of Uttaranchal,
   Through Principal Secretary, Agriculture,
   Dehradun.
2. Secretary, Panchayat Raj,
   Civil Secretariat, Dehradun.
3. District Magistrate,
   Udham Singh Nagar.
4. State Election Commissioner / Director,
   Uttaranchal.
5. Director,
   Krishi Utpadan Mandi Samiti,
   Uttaranchal, Dehradun. ……. Respondents

Mr. S.N. Babulkar, Senior Advocate assisted by Mr. S.C. Bhatt, Advocate for the petitioners.
Mr. J.C. Belwal, Advocate for respondent No. 5.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. P.C. Verma, J.

RAJEEV GUPTA, C.J. (Oral)

1. The petitioners have filed this writ petition for the following reliefs:

> "I. Issue a writ, direction or order in the nature of certiorari to quash the notification dated 1.8.2005.
>
> II. Issue a writ, direction or order in the nature of mandamus petitioners shall not deprive from their voting rights.
>
> III. Issue a writ, order or direction in the nature of mandamus restraining the Respondents to issue the notification for holding three tire Panchayat Raj Election (Mandi Samiti) unitl a just, valid and proper Government Order in accordance with constitutional spirit is issued.
>
> IV. Issue any other order or direction, which be deemed fit and proper under the facts and circumstances of the case in favour of the petitioner."

2. The learned counsel for the petitioners could not dispute that during the pendency of the writ petition, elections have already been held and the result has also been declared and the Mandi Samiti has been constituted. It is also not in dispute that the petitioners have a statutory remedy under the U.P. Krishi Utpadan Mandi Adhiniyam, 1964.

3. In this view of the matter, it would be appropriate for the petitioners to avail the remedy available under the Act. The petitioners, however, shall be at liberty to seek condonation of delay before the appropriate forum on the ground of the pendency of the writ petition in the High Courty.

4. With the above observation, the writ petition stands disposed of.

(P.C. Verma, J.) **(Rajeev Gupta, C.J.)**
06.02.2006 **06.02.2006**

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